

110TH CONGRESS  
1ST SESSION

# S. 647

To designate certain land in the State of Oregon as wilderness, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 15, 2007

Mr. WYDEN (for himself and Mr. SMITH) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To designate certain land in the State of Oregon as wilderness, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Lewis and Clark Mount Hood Wilderness Act of 2007”.

6 (b) **TABLE OF CONTENTS.**—The table of contents of  
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

### TITLE I—DESIGNATION OF WILDERNESS AREAS

Sec. 101. Designation of Lewis and Clark Mount Hood wilderness areas.

- Sec. 102. Richard L. Kohnstamm Memorial Area.
- Sec. 103. Map and legal descriptions.
- Sec. 104. Administration.
- Sec. 105. Buffer zones.
- Sec. 106. Fire safe community zones.
- Sec. 107. Fish and wildlife; hunting and fishing.
- Sec. 108. Fire, insects, and diseases.
- Sec. 109. Land reclassification.
- Sec. 110. Valid existing rights and withdrawal.
- Sec. 111. Maintenance and replacement of foot bridges in wilderness areas.

#### TITLE II—DESIGNATION OF STREAMS FOR WILD AND SCENIC RIVER PROTECTION IN THE MOUNT HOOD AREA

- Sec. 201. Purpose.
- Sec. 202. Wild and Scenic River designations, Mount Hood National Forest.
- Sec. 203. Impact on water rights and flow requirements.
- Sec. 204. Culvert replacement.
- Sec. 205. Protection for Hood River, Oregon.

#### TITLE III—MOUNT HOOD NATIONAL RECREATION AREA

- Sec. 301. Designation.

#### TITLE IV—TRANSPORTATION AND COMMUNICATION SYSTEMS

- Sec. 401. Definition of Mount Hood region.
- Sec. 402. Transportation plan.
- Sec. 403. Study relating to gondola connection and intermodal transportation center.
- Sec. 404. Burial of power lines.
- Sec. 405. Clarification of treatment of State highways.

#### TITLE V—LAND EXCHANGE

##### Subtitle A—Cooper Spur-Government Camp Land Exchange

- Sec. 501. Purposes.
- Sec. 502. Definitions.
- Sec. 503. Cooper Spur-Government Camp land exchange.
- Sec. 504. Concessionaires at the Inn at Cooper Spur and the Cooper Spur Ski Area.

##### Subtitle B—Port of Cascade Locks Land Exchange

- Sec. 511. Definitions.
- Sec. 512. Land exchange, Port of Cascade Locks-Pacific Crest National Scenic Trail.

##### Subtitle C—Hunchback Mountain Land Exchange and Boundary Adjustment

- Sec. 521. Definitions.
- Sec. 522. Hunchback Mountain land exchange, Clackamas County.
- Sec. 523. Boundary adjustment.

#### TITLE VI—MOUNT HOOD NATIONAL FOREST AND WATERSHED STEWARDSHIP

- Sec. 601. Findings and purpose.

- Sec. 602. Forest stewardship assessment.
- Sec. 603. Sustainable biomass utilization study.
- Sec. 604. Watershed management memoranda of understanding.
- Sec. 605. Termination of authority.

TITLE VII—CRYSTAL SPRINGS WATERSHED SPECIAL RESOURCES  
MANAGEMENT UNIT

- Sec. 701. Findings and purpose.
- Sec. 702. Establishment of Crystal Springs Watershed Special Resources Management Unit.
- Sec. 703. Administration of Management Unit.
- Sec. 704. Acquisition of lands.
- Sec. 705. Effective date.

TITLE VIII—LOCAL AND TRIBAL RELATIONSHIPS

- Sec. 801. Findings and purpose.
- Sec. 802. First foods gathering areas.
- Sec. 803. Forest Service coordination with State and local governments.
- Sec. 804. Savings provisions regarding relations with Indian tribes.
- Sec. 805. Improved natural disaster preparedness.

TITLE IX—RECREATION

- Sec. 901. Findings and purpose.
- Sec. 902. Retention of Mount Hood National Forest land use fees from special use authorizations.
- Sec. 903. Use of funds in special account to support recreation.
- Sec. 904. Annual reporting requirement.
- Sec. 905. Mount Hood National Forest Recreational Working Group.
- Sec. 906. Consideration of conversion of forest roads to recreational uses.
- Sec. 907. Improved trail access for persons with disabilities.

TITLE X—AUTHORIZATION OF APPROPRIATIONS

- Sec. 1001. Authorization of appropriations.

**1 SEC. 2. DEFINITIONS.**

**2** In this Act:

**3** (1) INDIAN TRIBE.—The term “Indian tribe”  
**4** has the meaning given the term in section 4 of the  
**5** Indian Self-Determination and Education Assistance  
**6** Act (25 U.S.C. 450b).

**7** (2) MOUNTAIN BIKE.—The term “mountain  
**8** bike” does not include a motorized vehicle.

1           (3) SECRETARY.—The term “Secretary”  
2 means—

3                   (A) when used in reference to Forest Serv-  
4 ice land, the Secretary of Agriculture; and

5                   (B) when used in reference to Bureau of  
6 Land Management land, the Secretary of the  
7 Interior.

8           (4) STATE.—The term “State” means the State  
9 of Oregon.

10           **TITLE I—DESIGNATION OF**  
11           **WILDERNESS AREAS**

12           **SEC. 101. DESIGNATION OF LEWIS AND CLARK MOUNT**  
13           **HOOD WILDERNESS AREAS.**

14           In accordance with the Wilderness Act (16 U.S.C.  
15 1131 et seq.), the following areas in the State are des-  
16 igned as wilderness areas and as components of the Na-  
17 tional Wilderness Preservation System:

18                   (1) BADGER CREEK WILDERNESS ADDITIONS.—  
19           Certain Federal land managed by the Forest Serv-  
20 ice, comprising approximately 4,139 acres, as gen-  
21 erally depicted on the maps entitled “Badger Creek”  
22 and “Bonney Butte”, dated February 2007, which  
23 are incorporated in, and considered to be a part of,  
24 the Badger Creek Wilderness, as designated by sec-

1 tion 3(3) of the Oregon Wilderness Act of 1984 (16  
2 U.S.C. 1132 note; 98 Stat. 273).

3 (2) BULL OF THE WOODS WILDERNESS ADDI-  
4 TION.—Certain Federal land managed by the Forest  
5 Service, comprising approximately 9,814 acres, as  
6 generally depicted on the map entitled “Bull of the  
7 Woods”, dated February 2007, which is incor-  
8 porated in, and considered to be a part of, the Bull  
9 of the Woods Wilderness, as designated by section  
10 3(4) of the Oregon Wilderness Act of 1984 (16  
11 U.S.C. 1132 note; 98 Stat. 273).

12 (3) CLACKAMAS WILDERNESS.—Certain Federal  
13 land managed by the Forest Service and Bureau of  
14 Land Management, comprising approximately  
15 11,532 acres, as generally depicted on the maps en-  
16 titled “Clackamas Canyon”, “Big Bottom”,  
17 “Memaloose Lake”, “South Fork Clackamas”, “Sisi  
18 Butte”, and “Upper Big Bottom”, dated February  
19 2007, which shall be known as the “Clackamas Wil-  
20 derness”.

21 (4) MARK O. HATFIELD WILDERNESS ADDI-  
22 TIONS.—Certain Federal land managed by the For-  
23 est Service, comprising approximately 25,807 acres,  
24 as generally depicted on the maps entitled “Gorge  
25 Face” and “Larch Mountain”, dated February

1 2007, which shall be known as the “Mark O. Hat-  
2 field Wilderness Additions”.

3 (5) MOUNT HOOD WILDERNESS ADDITIONS.—  
4 Certain Federal land managed by the Forest Serv-  
5 ice, comprising approximately 20,230 acres, as gen-  
6 erally depicted on the maps entitled “Elk Cove/  
7 Mazama”, “Sandy Additions”, “Tilly Jane”, “Sand  
8 Canyon”, “Twin Lakes”, “Barlow Butte”, “White  
9 River”, and “Richard L. Kohnstamm Memorial  
10 Area”, dated February 2007, which are incorporated  
11 in, and considered to be a part of, the Mount Hood  
12 Wilderness as designated under section 3(a) of the  
13 Wilderness Act (16 U.S.C. 1132(a)), and enlarged  
14 by section 3(d) of the Endangered American Wilder-  
15 ness Act of 1978 (16 U.S.C. 1132 note; 92 Stat.  
16 43).

17 (6) ROARING RIVER WILDERNESS.—Certain  
18 Federal land managed by the Forest Service, com-  
19 prising approximately 37,590 acres, as generally de-  
20 picted on the map entitled “Roaring River Wilder-  
21 ness”, dated February 2007, which shall be known  
22 as the “Roaring River Wilderness”.

23 (7) SALMON-HUCKLEBERRY WILDERNESS ADDI-  
24 TIONS.—Certain Federal land managed by the For-  
25 est Service, comprising approximately 16,704 acres,

1 as generally depicted on the maps entitled “Alder  
2 Creek Addition”, “Eagle Creek Addition”, “Mirror  
3 Lake”, “Inch Creek”, “Salmon River Meadows”,  
4 and “Hunchback Mountain”, dated February 2007,  
5 which are incorporated in, and considered to be a  
6 part of, the Salmon-Huckleberry Wilderness, as des-  
7 ignated by section 3(2) of the Oregon Wilderness  
8 Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

9 (8) LOWER WHITE RIVER WILDERNESS.—Cer-  
10 tain Federal land managed by the Forest Service  
11 and Bureau of Land Management, comprising ap-  
12 proximately 2,844 acres, as generally depicted on the  
13 map entitled “Lower White River”, dated February  
14 2007, which shall be known as the “Lower White  
15 River Wilderness”.

16 **SEC. 102. RICHARD L. KOHNSTAMM MEMORIAL AREA.**

17 (a) DESIGNATION.—Certain Federal land managed  
18 by the Forest Service, as generally depicted on the map  
19 entitled “Richard L. Kohnstamm Wilderness”, dated Feb-  
20 ruary 2007, and including approximately 157 acres of des-  
21 ignated wilderness, as generally depicted on the map enti-  
22 tled “Richard L. Kohnstamm Wilderness”, dated Feb-  
23 ruary 2007, shall be known and designated as the “Rich-  
24 ard L. Kohnstamm Wilderness”.

1 (b) REFERENCES.—Any reference in a law, map, reg-  
2 ulation, document, paper, or other record of the United  
3 States to an area described in subsection (a) shall be  
4 deemed to be a reference to the Richard L. Kohnstamm  
5 Wilderness.

6 (c) BOUNDARY.—

7 (1) IN GENERAL.—The memorial area shall  
8 consist of land located within the boundary depicted  
9 on the map entitled “Richard L. Kohnstamm Wil-  
10 derness”, dated February 2007.

11 (2) AVAILABILITY OF MAP.—The map shall be  
12 on file and available for public inspection in the ap-  
13 propriate offices of the Forest Service.

14 **SEC. 103. MAP AND LEGAL DESCRIPTIONS.**

15 (a) IN GENERAL.—As soon as practicable after the  
16 date of enactment of this Act, the Secretary shall file a  
17 map entitled “Lewis and Clark Mount Hood Wilderness  
18 Additions of 2007”, dated February 2007, and a legal de-  
19 scription of each wilderness area designated by this title,  
20 with—

21 (1) the Committee on Energy and Natural Re-  
22 sources of the Senate; and

23 (2) the Committee on Natural Resources of the  
24 House of Representatives.



1 (b) FORCE OF LAW.—The map and legal descriptions  
2 filed under subsection (a) shall have the same force and  
3 effect as if included in this Act, except that the Secretary  
4 may correct typographical errors in the map and each  
5 legal description.

6 (c) PUBLIC AVAILABILITY.—Each map and legal de-  
7 scription filed under subsection (a) shall be on file and  
8 available for public inspection in the appropriate offices  
9 of the Forest Service and Bureau of Land Management.

10 (d) DESCRIPTION OF LANDS.—The boundaries of the  
11 areas designated as wilderness by section 101 where gen-  
12 erally depicted on the map as immediately adjacent to a  
13 utility right of way or a Federal Energy Regulatory Com-  
14 mission project boundary shall be 100 feet from the  
15 boundary of the right of way.

16 **SEC. 104. ADMINISTRATION.**

17 (a) IN GENERAL.—Subject to valid existing rights,  
18 each area designated as wilderness by this Act shall be  
19 administered by the Secretary in accordance with the Wil-  
20 derness Act (16 U.S.C. 1131 et seq.), except that—

21 (1) any reference in that Act to the effective  
22 date shall be considered to be a reference to the date  
23 of enactment of this Act; and

24 (2) any reference in that Act to the Secretary  
25 of Agriculture shall be considered to be a reference

1 to the Secretary that has jurisdiction over the wil-  
2 derness.

3 (b) CONSISTENT INTERPRETATION TO THE PUB-  
4 LIC.—Notwithstanding their separate jurisdictions, the  
5 Secretary of Agriculture and the Secretary of the Interior  
6 shall collaborate to ensure that the wilderness areas des-  
7 ignated by this title, if appropriate, are interpreted for the  
8 public as an overall complex related by—

9 (1) common location in the Mount Hood-Co-  
10 lumbia River Gorge region;

11 (2) the abundant history of Native American  
12 use;

13 (3) the epic journey of Lewis and Clark;

14 (4) the pioneer settlement and growth of the  
15 State; and

16 (5) water sources for more than 40 percent of  
17 the residents of the State.

18 (c) INCORPORATION OF ACQUIRED LAND AND INTER-  
19 ESTS.—Any land within the boundary of a wilderness area  
20 designated by this Act that is acquired by the Federal  
21 Government shall—

22 (1) become part of the wilderness area in which  
23 the land is located; and

1           (2) be managed in accordance with this Act, the  
2       Wilderness Act (16 U.S.C. 1131 et seq.), and any  
3       other applicable law.

4       (d) WILDERNESS AREAS DESIGNATED IN NATIONAL  
5       RECREATION AREAS.—Any portion of a wilderness area  
6       designated by section 101(a) that is located within a na-  
7       tional recreation area shall be administrated in accordance  
8       with the Wilderness Act (16 U.S.C. 1131 et seq.).

9       **SEC. 105. BUFFER ZONES.**

10       (a) IN GENERAL.—As provided in the Oregon Wilder-  
11       ness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–  
12       328), Congress does not intend for designation of wilder-  
13       ness areas in the State under this title to lead to the cre-  
14       ation of protective perimeters or buffer zones around each  
15       wilderness area.

16       (b) ACTIVITIES OR USES UP TO BOUNDARIES.—The  
17       fact that nonwilderness activities or uses can be seen or  
18       heard from within a wilderness area shall not, of itself,  
19       preclude the activities or uses up to the boundary of the  
20       wilderness area.

21       **SEC. 106. FIRE SAFE COMMUNITY ZONES.**

22       Consistent with the Mount Hood National Forest  
23       Management Plan and the Healthy Forests Restoration  
24       Act of 2003 (16 U.S.C. 6501 et seq.), the Secretary shall  
25       construct a strategic system of defensible fuel profile zones

1 (including shaded fuelbreaks, thinning, individual tree se-  
2 lection, and other methods of vegetation management) be-  
3 tween the wilderness boundary and the community bound-  
4 ary around Cascade Locks and Government Camp.

5 **SEC. 107. FISH AND WILDLIFE; HUNTING AND FISHING.**

6 As provided in section 4(d)(7) of the Wilderness Act  
7 (16 U.S.C. 1133(d)(7)), nothing in this section shall be  
8 construed as affecting the jurisdiction or responsibilities  
9 of the State with respect to fish and wildlife in the State.

10 **SEC. 108. FIRE, INSECTS, AND DISEASES.**

11 As provided in section 4(d)(1) of the Wilderness Act  
12 (16 U.S.C. 1133(d)(1)), within the wilderness areas des-  
13 ignated by this Act, the Secretary of Agriculture (in col-  
14 laboration with the Secretary of the Interior, where appro-  
15 priate) may take such measures as are necessary to con-  
16 trol fire, insects, and diseases, subject to such terms and  
17 conditions as the Secretary of Agriculture (in collaboration  
18 with the Secretary of the Interior where appropriate) de-  
19 termines to be desirable and appropriate.

20 **SEC. 109. LAND RECLASSIFICATION.**

21 (a) OREGON AND CALIFORNIA RAILROAD LAND.—  
22 Not later than 180 days after the date of enactment of  
23 this Act, the Secretary of Agriculture and the Secretary  
24 of the Interior shall identify any Oregon and California  
25 Railroad Land that is subject to section 201 of the Act

1 of August 28, 1937 (43 U.S.C. 1181f), within the bound-  
2 ary of the Clackamas Wilderness, as generally depicted on  
3 the map entitled “South Fork Clackamas”, dated Feb-  
4 ruary 2007.

5 (b) PUBLIC DOMAIN LAND.—

6 (1) DEFINITION OF PUBLIC DOMAIN LAND.—In  
7 this section, the term “public domain land”—

8 (A) has the meaning given the term “pub-  
9 lic land” in section 103 of the Federal Land  
10 Policy and Management Act of 1976 (43 U.S.C.  
11 1702); and

12 (B) does not include any land managed  
13 under the Act of August 28, 1937 (43 U.S.C.  
14 1181a et seq.).

15 (2) IDENTIFICATION.—Not later than 180 days  
16 after the date of enactment of this Act, the Sec-  
17 retary of the Interior shall identify public domain  
18 land within the State that—

19 (A) is approximately equal in acreage of  
20 land described in subsection (a); and

21 (B) would be appropriate for administra-  
22 tion in accordance with the Act of August 28,  
23 1937 (43 U.S.C. 1181a et seq.).

24 (3) MAPS.—Not later than 180 days after the  
25 date of enactment of this Act, the Secretary of the

1 Interior shall submit to Congress and publish in the  
2 Federal Register, 1 or more maps depicting the land  
3 identified under subsections (a) and this subsection.

4 (4) RECLASSIFICATION.—After providing an op-  
5 portunity for public comment, the Secretary of the  
6 Interior shall administratively reclassify—

7 (A) the land described in subsection (a) as  
8 public domain land that is not subject to sec-  
9 tion 201 of the Act of August 28, 1937 (43  
10 U.S.C. 1181f); and

11 (B) the land described in this subsection as  
12 Oregon and California Railroad Land that is  
13 subject to the Act of August 28, 1937 (43  
14 U.S.C. 1181a et seq.).

15 **SEC. 110. VALID EXISTING RIGHTS AND WITHDRAWAL.**

16 Subject to valid rights in existence on the date of en-  
17 actment of this Act, the Federal land designated as wilder-  
18 ness by this Act is withdrawn from all forms of—

19 (1) entry, appropriation, or disposal under the  
20 public land laws;

21 (2) location, entry, and patent under the mining  
22 laws; and

23 (3) disposition under all laws pertaining to min-  
24 eral and geothermal leasing or mineral materials.

1 **SEC. 111. MAINTENANCE AND REPLACEMENT OF FOOT**  
2 **BRIDGES IN WILDERNESS AREAS.**

3 (a) IN GENERAL.—In the case of each wilderness  
4 area designated or expanded by section 102, it is the in-  
5 tent of Congress that the Secretary be able to provide  
6 for—

7 (1) the maintenance of any foot bridge crossing  
8 located in a wilderness area; and

9 (2) when needed, the replacement of the foot  
10 bridge crossings to ensure public access and safety.

11 (b) MINIMUM TOOL POLICIES.—The Secretary shall  
12 carry out foot bridge replacement and maintenance work  
13 under subsection (a) subject to the minimum requirement  
14 for the administration of the area.

15 **TITLE II—DESIGNATION OF**  
16 **STREAMS FOR WILD AND SCE-**  
17 **NIC RIVER PROTECTION IN**  
18 **THE MOUNT HOOD AREA**

19 **SEC. 201. PURPOSE.**

20 The purpose of this title is to designate approxi-  
21 mately 81 miles of waterways in the Mount Hood National  
22 Forest as additions to the National Wild and Scenic Riv-  
23 ers System.

1 **SEC. 202. WILD AND SCENIC RIVER DESIGNATIONS, MOUNT**  
2 **HOOD NATIONAL FOREST.**

3 Section 3(a) of the Wild and Scenic Rivers Act (16  
4 U.S.C. 1274(a)) is amended—

5 (1) by redesignating paragraph (167) (relating  
6 to the Musconetcong River, New Jersey) as para-  
7 graph (169);

8 (2) by designating the undesignated paragraph  
9 relating to the White Salmon River, Washington, as  
10 paragraph (167);

11 (3) by designating the undesignated paragraph  
12 relating to the Black Butte River, California, as  
13 paragraph (168); and

14 (4) by adding at the end the following:

15 “(170) SOUTH FORK CLACKAMAS RIVER.—The  
16 4.2-mile segment of the South Fork Clackamas  
17 River from its confluence with the East Fork of the  
18 South Fork Clackamas to its confluence with the  
19 Clackamas River, to be administered by the Sec-  
20 retary as a wild river.

21 “(171) EAGLE CREEK.—The 8.3-mile segment  
22 of Eagle Creek from its headwaters to the Mount  
23 Hood National Forest boundary, to be administered  
24 by the Secretary of Agriculture as a wild river.

25 “(172) MIDDLE FORK HOOD RIVER.—The 3.7-  
26 mile segment of the Middle Fork Hood River from



1 the confluence of Clear and Coe Branches to the  
2 north section line of section 11, township 1 south,  
3 range 9 east, to be administered by the Secretary of  
4 Agriculture as a scenic river.

5 “(173) SOUTH FORK ROARING RIVER.—The  
6 4.6-mile segment of the South Fork Roaring River  
7 from its headwaters to its confluence with Roaring  
8 River, to be administered by the Secretary of Agri-  
9 culture as a wild river.

10 “(174) ZIG ZAG RIVER.—The 2.9-mile segment  
11 of the Zig Zag River from its headwaters to the  
12 Mount Hood Wilderness boundary, to be adminis-  
13 tered by the Secretary of Agriculture as a wild river.

14 “(175) FIFTEENMILE CREEK.—

15 “(A) IN GENERAL.—The 11.1-mile seg-  
16 ment of Fifteenmile Creek from its source at  
17 Senecal Spring to the eastern edge of the north-  
18 west quarter of section 20, township 2 south,  
19 range 12 east, to be administered by the Sec-  
20 retary of Agriculture in the following classes:

21 “(i) the 2.6-mile segment from its  
22 source at Senecal Spring to the Badger  
23 Creek Wilderness boundary, as a wild  
24 river;

1           “(ii) the 0.4-mile segment from the  
2           Badger Creek Wilderness boundary to the  
3           point 0.4 miles downstream, as a scenic  
4           river;

5           “(iii) the 7.9-mile segment from the  
6           point 0.4 miles downstream of the Badger  
7           Creek Wilderness boundary to the western  
8           edge of section 20, township 2 south,  
9           range 12 east as a wild river; and

10          “(iv) the 0.2-mile segment from the  
11          western edge of section 20, township 2  
12          south, range 12 east, to the eastern edge  
13          of the northwest quarter of the northwest  
14          quarter of section 20, township 2 south,  
15          range 12 east as a scenic river.

16          “(B) INCLUSIONS.—Notwithstanding sec-  
17          tion 3(b) of this Act, the lateral boundaries of  
18          both the wild river area and the scenic river  
19          area along Fifteenmile Creek shall include an  
20          average of not more than 640 acres per mile  
21          measured from the ordinary high water mark  
22          on both sides of the river.

23          “(176) EAST FORK HOOD RIVER.—The 13.5-  
24          mile segment of the East Fork Hood River from Or-  
25          egon State Highway 35 to the Mount Hood National

1 Forest boundary, to be administered by the Sec-  
 2 retary of Agriculture as a recreational river.

3 “(177) COLLAWASH RIVER.—The 17.8-mile  
 4 segment of the Collawash River from the headwaters  
 5 of the East Fork Collawash to the confluence of the  
 6 mainstream of the Collawash River with the  
 7 Clackamas River, to be administered in the following  
 8 classes:

9 “(A) the 11.0-mile segment from the head-  
 10 waters of the East Fork Collawash River to  
 11 Buckeye Creek, as a scenic river; and

12 “(B) the 6.8-mile segment from Buckeye  
 13 Creek to the Clackamas River, as a recreational  
 14 river.

15 “(178) FISH CREEK.—The 13.5-mile segment  
 16 of Fish Creek from its headwaters to the confluence  
 17 with the Clackamas River, to be administered by the  
 18 Secretary of Agriculture as a recreational river.”.

19 **SEC. 203. IMPACT ON WATER RIGHTS AND FLOW REQUIRE-**  
 20 **MENTS.**

21 (a) **RELATION TO EXISTING REQUIREMENTS.**—Con-  
 22 gress does not intend for the designation of any portion  
 23 of the Hood River under section 3(a) of the Wild and Sce-  
 24 nic Rivers Act (16 U.S.C. 1274(a)), as amended by this

1 Act, to have any impact on any water right or flow re-  
 2 quirement relating to—

3 (1) the Middle Fork Irrigation District;

4 (2) the East Fork Irrigation District; or

5 (3) the Mt. Hood Meadows Ski Resort.

6 (b) EXCLUSION OF OPERATIONAL AREAS.—Congress  
 7 does not intend for the designation of any portion of the  
 8 Hood River under section 3(a) of the Wild and Scenic Riv-  
 9 ers Act (16 U.S.C. 1274(a)), as amended by this Act, to  
 10 include any portion of the operational area of—

11 (1) the Middle Fork Irrigation District;

12 (2) the East Fork Irrigation District; or

13 (3) the Mt. Hood Meadows Ski Resort.

14 **SEC. 204. CULVERT REPLACEMENT.**

15 Culvert replacement carried out by the Forest Service  
 16 or the Bureau of Land Management to improve fish pas-  
 17 sage and the ecology of the wilderness designated by this  
 18 Act shall not be considered water and resource develop-  
 19 ment.

20 **SEC. 205. PROTECTION FOR HOOD RIVER, OREGON.**

21 Section 13(a)(4) of the “Columbia River Gorge Na-  
 22 tional Scenic Area Act” (16 U.S.C. 544k(a)(4)) is amend-  
 23 ed by striking “for a period not to exceed twenty years  
 24 from the date of enactment of this Act,”.

1           **TITLE III—MOUNT HOOD**  
2           **NATIONAL RECREATION AREA**

3 **SEC. 301. DESIGNATION.**

4           (a) DESIGNATION.—In order to best provide for the  
5 protection, preservation, and enhancement of its rec-  
6 reational, ecological, scenic, watershed, and fish and wild-  
7 life values, there is hereby established the Mount Hood  
8 National Recreation Area within the Mount Hood Na-  
9 tional Forest.

10          (b) BOUNDARY.—The Mount Hood National Recre-  
11 ation Area shall consist of land located within the bound-  
12 ary depicted on the map entitled “Mount Hood National  
13 Recreation Area” and dated February 2007.

14          (c) AVAILABILITY OF MAP.—The map shall be on file  
15 and available for public inspection in the appropriate of-  
16 fices of the Forest Service and Bureau of Land Manage-  
17 ment.

18          (d) ADMINISTRATION.—The Secretary shall admin-  
19 ister the Mount Hood National Recreation Area in accord-  
20 ance with the laws, rules and regulations applicable to the  
21 national forests and the purposes and values identified in  
22 subsection (a). The Secretary shall only allow such uses  
23 as are consistent with the purposes and values identified  
24 in subsection (a).

1 (e) TIMBER.—The cutting, sale, or removal of timber  
2 within the Mount Hood National Recreation Area may be  
3 permitted—

4 (1) to the extent necessary to improve the  
5 health of the forest in a manner that—

6 (A) maximizes the retention of large trees  
7 as appropriate to the forest type, to the extent  
8 that those trees promote stands that are fire-re-  
9 siliant and healthy;

10 (B) improves the habitats of threatened,  
11 endangered, proposed, or sensitive species; or

12 (C) maintains or restores the composition  
13 and structure of the ecosystem by reducing the  
14 risk of uncharacteristic wildfire effects;

15 (2) to accomplish an approved management ac-  
16 tivity in furtherance of the purposes established by  
17 this subsection, if the cutting, sale, or removal of  
18 timber is incidental to the management activity; or

19 (3) for de minimus personal or administrative  
20 use within the Mount Hood National Recreation  
21 Area, where such use will not impair the purposes  
22 established by this subsection.

23 (f) ROAD CONSTRUCTION.—No new or temporary  
24 roads are to be constructed or reconstructed except where  
25 it is required—

1           (1) to protect the health and safety of individ-  
 2           uals in cases of an imminent threat of flood, fire, or  
 3           any other catastrophic event that, without interven-  
 4           tion, would cause the loss of life or property;

5           (2) to conduct environmental cleanup required  
 6           by the Federal Government;

7           (3) to allow for reserved or outstanding rights  
 8           provided for by a statute or treaty;

9           (4) to prevent irreparable resource damage by  
 10          an existing road;

11          (5) to rectify a hazardous road condition; or

12          (6) in conjunction with—

13                 (A) the continuation, extension, or renewal  
 14                 of a mineral lease on land that is under lease;

15                 or

16                 (B) a new mineral lease that is issued im-  
 17                 mediately after the expiration of an existing  
 18                 mineral lease.

19           **TITLE IV—TRANSPORTATION**  
 20           **AND COMMUNICATION SYSTEMS**

21           **SEC. 401. DEFINITION OF MOUNT HOOD REGION.**

22           In this title, the term “Mount Hood region” means—

23                 (1) Mount Hood and the other land located ad-  
 24                 jacent to the mountain;

1           (2) any segment of the Oregon State Highway  
2           26 corridor that is located in or near Mount Hood  
3           National Forest;

4           (3) any segment of the Oregon State Highway  
5           35 corridor that is located in or near Mount Hood  
6           National Forest;

7           (4) each other road of the Forest Service,  
8           State, or county that is located in and near Mount  
9           Hood National Forest; and

10          (5) any gateway community located adjacent to  
11          any highway or road described in paragraph (2), (3),  
12          or (4).

13 **SEC. 402. TRANSPORTATION PLAN.**

14          (a) IN GENERAL.—The Secretary shall participate  
15          with the State, local governments, and other Federal agen-  
16          cies in the development of an integrated, multimodal  
17          transportation plan for the Mount Hood region to achieve  
18          comprehensive solutions to transportation challenges in  
19          the Mount Hood region—

20               (1) to promote appropriate economic develop-  
21               ment;

22               (2) to preserve the landscape of the Mount  
23               Hood region; and

24               (3) to enhance public safety.



1 (b) PLANNING PROCESS.—The transportation plan  
2 under subsection (a) shall—

3 (1) conform with Federal and Oregon transpor-  
4 tation planning requirements; and

5 (2) be developed through a collaborative proc-  
6 ess, preferably through the use of a commission  
7 composed of interested persons appointed by the  
8 State, with representation from the Forest Service  
9 and local governments in the Mount Hood region.

10 (c) SCOPE OF PLAN.—The transportation plan under  
11 subsection (a) shall address issues relating to—

12 (1) the transportation of individuals to and  
13 from areas outside the Mount Hood region on major  
14 corridors traversing that region; and

15 (2) the transportation of individuals to and  
16 from locations that are located within the Mount  
17 Hood region.

18 (d) CONTENTS OF PLAN.—At a minimum, the trans-  
19 portation plan under subsection (a) shall consider—

20 (1) transportation alternatives between and  
21 among recreation areas and gateway communities  
22 that are located within the Mount Hood region;

23 (2) establishing park-and-ride facilities that  
24 shall be located at gateway communities;

1           (3) establishing intermodal transportation cen-  
2           ters to link public transportation, parking, and  
3           recreation destinations;

4           (4) creating a new interchange on Oregon State  
5           Highway 26 that shall be located adjacent to or  
6           within Government Camp;

7           (5) designating, maintaining, and improving al-  
8           ternative routes using Forest Service or State roads  
9           for—

10                   (A) providing emergency routes; or

11                   (B) improving access to, and travel within,  
12           the Mount Hood region;

13           (6) reconstructing the segment of Oregon State  
14           Highway 35 that is located between Mineral Creek  
15           and Baseline Road to address ongoing debris flow lo-  
16           cations; and

17           (7) creating mechanisms for funding the imple-  
18           mentation of the transportation plan under sub-  
19           section (a), including—

20                   (A) funds provided by the Federal Govern-  
21           ment;

22                   (B) public-private partnerships;

23                   (C) incremental tax financing; and

1 (D) other financing tools that link trans-  
2 portation infrastructure improvements with de-  
3 velopment.

4 (e) COMPLETION OF PLAN.—Not later than 2 years  
5 after the date on which funds are first made available to  
6 carry out this section, the Secretary shall complete the  
7 transportation plan under subsection (a).

8 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
9 authorized to be appropriated to carry out this section  
10 \$2,000,000.

11 **SEC. 403. STUDY RELATING TO GONDOLA CONNECTION**  
12 **AND INTERMODAL TRANSPORTATION CEN-**  
13 **TER.**

14 (a) FEASIBILITY STUDY.—The Oregon Department  
15 of Transportation, along with the participation of the Sec-  
16 retary, shall carry out a study of the feasibility of estab-  
17 lishing—

18 (1) a gondola connection that—

19 (A) connects Timberline Lodge to Govern-  
20 ment Camp; and

21 (B) is located in close proximity to the site  
22 of the historic gondola corridor; and

23 (2) an intermodal transportation center to be  
24 located in close proximity to Government Camp.

1 (b) CONSIDERATION OF MULTIPLE SITES.—In car-  
 2 rying out the feasibility study under subsection (a), the  
 3 Secretary may consider 1 or more sites.

4 (c) RELIANCE ON PAST STUDIES.—To the extent  
 5 that prior studies have been completed that can assist in  
 6 the assessment of the Gondola connection, those may be  
 7 utilized.

8 **SEC. 404. BURIAL OF POWER LINES.**

9 Because of the incongruent presence of power lines  
 10 adjacent to wilderness areas, the Secretary may provide  
 11 to Cascade Locks and Hood River County funds through  
 12 the Forest Service State and Private Forestry program  
 13 to bury ground power lines adjacent to the Mount Hood  
 14 wilderness areas, including wilderness areas designated by  
 15 this Act.

16 **SEC. 405. CLARIFICATION OF TREATMENT OF STATE HIGH-**  
 17 **WAYS.**

18 (a) EXCLUSION.—Any part of Oregon State Highway  
 19 35 or other any other State highway in existence on the  
 20 date of enactment of this Act (including all existing rights-  
 21 of-way and 150 feet on each side of the centerline, which-  
 22 ever is greater, that is adjacent to wilderness areas in the  
 23 Mount Hood National Forest, including wilderness areas  
 24 designated by this Act) shall be excluded from wilderness  
 25 under this Act.

1 (b) NO NET EFFECT.—The designation of wilderness  
2 or wild and scenic rivers under this Act or an amendment  
3 made by this Act shall not limit or restrict the ability of  
4 the State, and in consultation with the Forest Service—

5 (1) to operate, maintain, repair, reconstruct,  
6 protect, realign, expand capacity, or make any other  
7 improvement to Oregon State Highway 35 or any  
8 other State highway in existence on the date of en-  
9 actment of this Act;

10 (2) to use any site that is not within a highway  
11 right-of-way to operate, maintain, repair, recon-  
12 struct, protect, realign, expand capacity, or make  
13 any other improvement to those highways; or

14 (3) to take any action outside of a highway  
15 right-of-way that is necessary to operate, maintain,  
16 repair, reconstruct, protect, realign, expand capacity,  
17 or make any other improvement to those highways.

18 (c) FLOOD PLAIN.—Congress encourages the car-  
19 rying out of projects that will reduce the impact of Oregon  
20 State Highway 35 on the flood plain of the East Fork  
21 Hood River.

1           **TITLE V—LAND EXCHANGE**  
2           **Subtitle A—Cooper Spur-**  
3           **Government Camp Land Exchange**

4   **SEC. 501. PURPOSES.**

5           The purposes of this subtitle are—

6                   (1) to recognize the years of work by local resi-  
7           dents and political and business leaders from  
8           throughout the States of Oregon and Washington to  
9           protect the north side of Mount Hood; and

10                   (2) to authorize the exchange of the Federal  
11           land and non-Federal land.

12   **SEC. 502. DEFINITIONS.**

13           In this subtitle:

14                   (1) COUNTY.—The term “County” means Hood  
15           River County, Oregon.

16                   (2) EXCHANGE MAP.—The term “exchange  
17           map” means the map entitled “Cooper Spur-Govern-  
18           ment Camp Land Exchange” and dated September  
19           2006.

20                   (3) FEDERAL LAND.—The term “Federal land”  
21           means—

22                           (A) the parcel of approximately 80 acres of  
23           National Forest System land in Mount Hood  
24           National Forest in Government Camp,

1 Clackamas County, Oregon, as depicted on the  
2 exchange map; and

3 (B) the parcel of approximately 40 acres of  
4 National Forest System land in Mount Hood  
5 National Forest in Government Camp,  
6 Clackamas County, Oregon, as depicted on the  
7 exchange map.

8 (4) MT. HOOD MEADOWS.—The term “Mt.  
9 Hood Meadows” means the Mt. Hood Meadows  
10 Oreg., Limited Partnership.

11 (5) NON-FEDERAL LAND.—The term “non-Fed-  
12 eral land” means—

13 (A) the parcel of approximately 770 acres  
14 of private land at Cooper Spur, as depicted on  
15 the exchange map;

16 (B) any buildings, furniture, fixtures, and  
17 equipment at the Inn at Cooper Spur and the  
18 Cooper Spur Ski Area covered by an appraisal  
19 described in section 503(d).

20 (6) SECRETARY.—The term “Secretary” means  
21 the Secretary of Agriculture.

22 (7) TRAIL MAP.—The term “trail map” means  
23 the map entitled “Government Camp Trail Map”  
24 and dated September 2006.

1 **SEC. 503. COOPER SPUR-GOVERNMENT CAMP LAND EX-**  
2 **CHANGE.**

3 (a) CONVEYANCE OF FEDERAL LAND.—Subject to  
4 the provisions of this section, if Mt. Hood Meadows offers  
5 to convey to the United States all right, title, and interest  
6 of Mt. Hood Meadows in and to the non-Federal land, the  
7 Secretary shall convey to Mt. Hood Meadows all right,  
8 title, and interest of the United States in and to the Fed-  
9 eral land (other than any easements reserved under sub-  
10 section (g)).

11 (b) CONDITIONS ON ACCEPTANCE.—Title to the non-  
12 Federal land to be acquired by the Secretary under this  
13 section must be acceptable to the Secretary, and the con-  
14 veyances shall be subject to valid existing rights of record  
15 and such terms and conditions the Secretary may pre-  
16 scribe. The non-Federal land shall conform with the title  
17 approval standards applicable to Federal land acquisi-  
18 tions.

19 (c) APPLICABLE LAW.—Except as otherwise provided  
20 in this section, the Secretary shall carry out the land ex-  
21 change under this section in accordance with section 206  
22 of the Federal Land Policy and Management Act of 1976  
23 (43 U.S.C. 1716).

24 (d) APPRAISALS.—

25 (1) IN GENERAL.—As soon as practicable after  
26 the date of enactment of this Act, the Secretary



1 shall select an appraiser to conduct an appraisal of  
2 the Federal land and non-Federal land.

3 (2) REQUIREMENTS.—An appraisal under para-  
4 graph (1) shall—

5 (A) be conducted in accordance with na-  
6 tionally recognized appraisal standards, includ-  
7 ing—

8 (i) the Uniform Appraisal Standards  
9 for Federal Land Acquisitions developed by  
10 the Interagency Land Acquisition Con-  
11 ference; and

12 (ii) the Uniform Standards of Profes-  
13 sional Appraisal Practice;

14 (B) incorporate the dates of the appraisals  
15 of the Federal land and non-Federal land per-  
16 formed in 2005 by Appraiser Steven A. Hall,  
17 MAI, CCIM; and

18 (C) be approved by the Secretary, the  
19 County, and Mt. Hood Meadows.

20 (e) SURVEYS.—

21 (1) IN GENERAL.—The exact acreage and legal  
22 description of the Federal land and non-Federal land  
23 shall be determined by surveys approved by the Sec-  
24 retary.

1           (2) COSTS.—The responsibility for the costs of  
2           any surveys conducted under paragraph (1), and any  
3           other administrative costs of carrying out the land  
4           exchange, shall be determined by the Secretary and  
5           the County.

6           (f) DEADLINE FOR COMPLETION OF LAND EX-  
7           CHANGE.—It is the intent of Congress that, not later than  
8           16 months after the date of enactment of this Act, the  
9           Secretary shall—

10           (1) complete all legal and regulatory processes  
11           required for the exchange of the Federal land and  
12           the non-Federal land; and

13           (2) close on the Federal land and the non-Fed-  
14           eral land.

15           (g) RESERVATION OF EASEMENTS.—As a condition  
16           of the conveyance of the Federal land, the Secretary shall  
17           reserve—

18           (1) a conservation easement to the Federal land  
19           to protect existing wetland on the conveyed parcels,  
20           as identified by the Oregon Department of State  
21           Lands, that allows equivalent wetland mitigation  
22           measures to compensate for minor wetland encroach-  
23           ments necessary for the orderly development of the  
24           Federal land; and

1           (2) a trail easement to the Federal land that al-  
2       lows—

3                   (A) the nonmotorized functional use by the  
4       public of identified existing trails located on the  
5       Federal land, as depicted on the trail map;

6                   (B) roads, utilities, and infrastructure fa-  
7       cilities to cross the trails; and

8                   (C) improvement or relocation of the trails  
9       to accommodate development of the Federal  
10      land.

11 **SEC. 504. CONCESSIONAIRES AT THE INN AT COOPER SPUR**  
12 **AND THE COOPER SPUR SKI AREA.**

13       (a) PROSPECTUS.—Not later than 60 days after the  
14      date on which the land exchange is completed under sec-  
15      tion 503, the Secretary shall publish in the Federal Reg-  
16      ister a proposed prospectus to solicit 1 or more new con-  
17      cessionaires for the Inn at Cooper Spur and the Cooper  
18      Spur Ski Area, as reconfigured in accordance with the ex-  
19      change map.

20       (b) COMPETITIVE PROCESS.—Prospective conces-  
21      sionaires shall submit bids to compete for the right to op-  
22      erate the Inn at Cooper Spur, the Cooper Spur Ski Area,  
23      or both the Inn and the Ski Area.

24       (c) CONSIDERATIONS.—In selecting a concessionaire,  
25      the Secretary shall consider—

1           (1) which bid is highest in terms of monetary  
2 value; and

3           (2) other attributes of the bids submitted.

4           (d) CONSULTATION.—The Secretary shall consult  
5 with Mt. Hood Meadows, Meadows North, LLC, North  
6 Face Inn, LLC, the Hood River Valley Residents Com-  
7 mittee, the Cooper Spur Wild and Free Coalition, and the  
8 Hood River County Commission—

9           (1) in selecting a new concessionaire for the Inn  
10 at Cooper Spur and the Cooper Spur Ski Area; and

11           (2) in preparing for the orderly and smooth  
12 transition of the operation of the Inn at Cooper  
13 Spur and the Cooper Spur Ski Area to the new con-  
14 cessionaire.

15           (e) TREATMENT OF PROCEEDS.—Any amounts re-  
16 ceived under a concession contract under this section  
17 shall—

18           (1) be deposited in the fund established under  
19 Public Law 90–171 (commonly known as the “Sisk  
20 Act”) (16 U.S.C. 484a); and

21           (2) remain available to the Secretary until ex-  
22 pended, without further appropriation, for use in the  
23 Mount Hood National Forest, with priority given to  
24 using amounts in the Hood River Ranger District

1 for restoration projects on the North side of Mount  
2 Hood.

3 (f) ALTERNATIVE CONVEYANCE AND SPECIAL USE  
4 PERMIT.—

5 (1) IN GENERAL.—If the Secretary has not se-  
6 lected a concessionaire for the Inn at Cooper Spur  
7 and the Cooper Spur Ski Area by the date that is  
8 1 year after the date on which the prospectus is  
9 published under subsection (a), the Secretary may—

10 (A) convey to the County, without consid-  
11 eration, the improvements described in section  
12 502(5)(B); or

13 (B) continue to allow Mt. Hood Meadows  
14 to operate as the concessionaire while the Sec-  
15 retary continues to seek an alternate conces-  
16 sionaire.

17 (2) SPECIAL USE PERMIT.—If the Secretary  
18 conveys improvements to the County under para-  
19 graph (1)(A), the Secretary shall issue to the County  
20 a special use permit that would allow reasonable ac-  
21 cess to, and management of, the improvements  
22 under terms similar to the Cooper Spur Ski Area  
23 Special Use Permit.

1    **Subtitle B—Port of Cascade Locks**  
 2                    **Land Exchange**

3    **SEC. 511. DEFINITIONS.**

4            In this subtitle:

5                (1) **EXCHANGE MAP.**—The term “exchange  
 6            map” means the map entitled “Port of Cascade  
 7            Locks-Pacific Crest National Scenic Trail Land Ex-  
 8            change” and dated June 2006.

9                (2) **FEDERAL LAND.**—The term “Federal land”  
 10            means the parcel of land consisting of approximately  
 11            10 acres of National Forest System land in the Co-  
 12            lumbia River Gorge National Scenic Area, as de-  
 13            picted on the exchange map.

14               (3) **NON-FEDERAL LAND.**—The term “non-Fed-  
 15            eral land” means the parcel of land consisting of ap-  
 16            proximately 40 acres, as depicted on the exchange  
 17            map.

18               (4) **PORT.**—The term “Port” means the Port of  
 19            Cascade Locks, Cascade Locks, Oregon.

20               (5) **SECRETARY.**—The term “Secretary” means  
 21            the Secretary of Agriculture.

22    **SEC. 512. LAND EXCHANGE, PORT OF CASCADE LOCKS-PA-**  
 23                    **CIFIC CREST NATIONAL SCENIC TRAIL.**

24               (a) **CONVEYANCE REQUIRED.**—Subject to the provi-  
 25            sions of this section, if the Port offers to convey to the

1 United States all right, title, and interest of the Port in  
2 and to the non-Federal land, the Secretary shall convey  
3 to the Port all right, title, and interest of the United  
4 States in and to the Federal land.

5 (b) COMPLIANCE WITH EXISTING LAW.—Except as  
6 otherwise provided in this section, the Secretary shall  
7 carry out the land exchange under this section in the man-  
8 ner provided in section 206 of the Federal Land Policy  
9 Management Act of 1976 (43 U.S.C. 1716).

10 (c) CONDITIONS ON ACCEPTANCE.—Title to the non-  
11 Federal land to be acquired by the Secretary under this  
12 section must be acceptable to the Secretary, and the con-  
13 veyances shall be subject to valid existing rights of record  
14 and such terms and conditions the Secretary may pre-  
15 scribe. The non-Federal land shall conform with the title  
16 approval standards applicable to Federal land acqui-  
17 sitions.

18 (d) SURVEYS.—

19 (1) IN GENERAL.—The exact acreage and legal  
20 description of the Federal land and non-Federal land  
21 shall be determined by surveys approved by the Sec-  
22 retary.

23 (2) COSTS.—The responsibility for the costs of  
24 any surveys conducted under paragraph (1), and any  
25 other administrative costs of carrying out the land

1 exchange, shall be determined by the Secretary and  
2 the Port.

3 (e) DEADLINE FOR COMPLETION OF LAND EX-  
4 CHANGE.—It is the intent of Congress that, not later than  
5 16 months after the date of enactment of this Act, the  
6 Secretary shall—

7 (1) complete all legal and regulatory processes  
8 required for the exchange of the Federal land and  
9 the non-Federal land; and

10 (2) close on the Federal land and the non-Fed-  
11 eral land.

## 12 **Subtitle C—Hunchback Mountain** 13 **Land Exchange and Boundary** 14 **Adjustment**

### 15 **SEC. 521. DEFINITIONS.**

16 In this subtitle:

17 (1) BOUNDARY EXTENSION MAP.—The term  
18 “boundary extension map” means the map entitled  
19 “Mount Hood National Forest Hunchback Exchange  
20 Boundary Adjustment” and dated January 2007.

21 (2) COUNTY.—The term “County” means  
22 Clackamas County, Oregon.

23 (3) EXCHANGE MAP.—The term “exchange  
24 map” means the map entitled “Hunchback Moun-



1       tain Land Exchange-Clackamas County” and dated  
2       June 2006.

3               (4) FEDERAL LAND.—The term “Federal land”  
4       means the parcel of land consisting of approximately  
5       160 acres of National Forest System land in the  
6       Mount Hood National Forest, as depicted on the ex-  
7       change map.

8               (5) NON-FEDERAL LAND.—The term “non-Fed-  
9       eral land” means the parcel of land consisting of ap-  
10       proximately 160 acres, as depicted on the exchange  
11       map.

12              (6) SECRETARY.—The term “Secretary” means  
13       the Secretary of Agriculture.

14   **SEC. 522. HUNCHBACK MOUNTAIN LAND EXCHANGE,**  
15                           **CLACKAMAS COUNTY.**

16       (a) CONVEYANCE REQUIRED.—Subject to the provi-  
17       sions of this section, if the County offers to convey to the  
18       United States all right, title, and interest of the County  
19       in and to the non-Federal land, the Secretary shall convey  
20       to the County all right, title, and interest of the United  
21       States in and to the Federal land.

22       (b) COMPLIANCE WITH EXISTING LAW.—Except as  
23       otherwise provided in this section, the Secretary shall  
24       carry out the land exchange under this section in the man-

1 ner provided in section 206 of the Federal Land Policy  
2 Management Act of 1976 (43 U.S.C. 1716).

3 (c) CONDITIONS ON ACCEPTANCE.—Title to the non-  
4 Federal land to be acquired by the Secretary under this  
5 section must be acceptable to the Secretary, and the con-  
6 veyances shall be subject to valid existing rights of record  
7 and such terms and conditions the Secretary may pre-  
8 scribe. The non-Federal land shall conform with the title  
9 approval standards applicable to Federal land acquisi-  
10 tions.

11 (d) SURVEYS.—

12 (1) IN GENERAL.—The exact acreage and legal  
13 description of the Federal land and non-Federal land  
14 shall be determined by surveys approved by the Sec-  
15 retary.

16 (2) COSTS.—The responsibility for the costs of  
17 any surveys conducted under paragraph (1), and any  
18 other administrative costs of carrying out the land  
19 exchange, shall be determined by the Secretary and  
20 the County.

21 (e) DEADLINE FOR COMPLETION OF LAND EX-  
22 CHANGE.—It is the intent of Congress that, not later than  
23 16 months after the date of enactment of this Act, the  
24 Secretary shall—

1           (1) complete all legal and regulatory processes  
2           required for the exchange of the Federal land and  
3           the non-Federal land; and

4           (2) close on the Federal land and the non-Fed-  
5           eral land.

6 **SEC. 523. BOUNDARY ADJUSTMENT.**

7           (a) IN GENERAL.—The boundary of the Mount Hood  
8           National Forest is adjusted as depicted on the map enti-  
9           tled “Boundary extension map”, dated January 2007.

10          (b) AVAILABILITY OF BOUNDARY EXTENSION  
11          MAP.—The boundary extension map shall be on file and  
12          available for public inspection in the office of the Chief  
13          of the Forest Service.

14          (c) CORRECTION AUTHORITY.—The Secretary may  
15          make minor corrections to the boundary extension map.

16          (d) ADDITIONS TO THE NATIONAL FOREST SYS-  
17          TEM.—The Secretary shall administer any land that is  
18          conveyed to the United States and is located in the Mount  
19          Hood National Forest in accordance with—

20                 (1) the Act of March 1, 1911 (commonly known  
21                 as the “Weeks Law”) (16 U.S.C. 480 et seq.); and

22                 (2) any laws (including regulations) applicable  
23                 to the National Forest System.

24          (e) AUTHORITY OF SECRETARY TO ADJUST BOUND-  
25          ARIES.—Nothing in this Act shall limit the authority or

1 responsibility of the Secretary to adjust the boundaries of  
2 the Mount Hood National Forest under section 11 of the  
3 Act of March 1, 1911 (16 U.S.C. 521).

4 (f) LAND AND WATER CONSERVATION FUND.—For  
5 the purposes of section 7 of the Land and Water Con-  
6 servation Fund Act of 1965 (16 U.S.C. 460l–9), the  
7 boundaries of the Mount Hood National Forest modified  
8 by this Act shall be considered to be the boundaries of  
9 the Mount Hood National Forest in existence as of Janu-  
10 ary 1, 1965.

11 **TITLE VI—MOUNT HOOD NA-**  
12 **TIONAL FOREST AND WATER-**  
13 **SHED STEWARDSHIP**

14 **SEC. 601. FINDINGS AND PURPOSE.**

15 The purpose of this title is to direct the Forest Serv-  
16 ice to prepare an assessment to promote forested land-  
17 scapes resilient to catastrophic fire, insects, and disease,  
18 to protect homes and communities from property damage  
19 and threats to public safety, and to protect and enhance  
20 existing community or municipal watersheds. It is the in-  
21 tent of Congress that site-specific forest health projects  
22 undertaken pursuant to this assessment shall be com-  
23 pleted in accordance with existing law.

1 **SEC. 602. FOREST STEWARDSHIP ASSESSMENT.**

2 (a) PREPARATION OF ASSESSMENT.—The Secretary  
3 of Agriculture shall prepare an assessment to identify the  
4 forest health needs in those areas of the Mount Hood Na-  
5 tional Forest with a high incidence of insect or disease  
6 infestation (or both), heavily overstocked tree stands, or  
7 moderate-to-high risk of unnatural catastrophic wildfire  
8 for the purpose of improving condition class, which signifi-  
9 cantly improves the forest health and water quality. The  
10 Secretary may utilize existing information to complete the  
11 assessment. The assessment shall also identify specific  
12 projects to address these issues.

13 (b) IMPROVED MAPPING.—The assessment will in-  
14 clude peer reviewed mapping of condition class 2 and con-  
15 dition class 3 areas and other areas identified in sub-  
16 section (a) in Mount Hood National Forest.

17 (c) COMPLETION.—The Secretary of Agriculture  
18 shall complete the assessment not later than 1 year after  
19 the date of enactment of this Act.

20 (d) DURATION OF STUDY.—The assessment shall  
21 cover a 10-year period.

22 (e) IMPLEMENTATION.—Not later than 1 year after  
23 completion of the assessment, the Secretary shall com-  
24 mence implementation of projects to address the needs  
25 identified in the assessment. These projects shall be imple-  
26 mented using authorities available to the Secretary to

1 manage the Mount Hood National Forest to achieve the  
2 purpose specified in subsection (a).

3 (f) DELAY.—During development of the assessment  
4 under this section, a forest management project that is  
5 unaffiliated with the assessment and has completed review  
6 as required under the National Environmental Policy Act  
7 of 1969 (42 U.S.C. 4321 et seq.) in accordance with exist-  
8 ing law, need not be delayed in the event the Secretary  
9 fails to meet the deadline specified in subsection (c).

10 (g) RELATION TO EXISTING LAW AND PLANS.—  
11 Nothing in this section grants the Secretary any authority  
12 to manage the Mount Hood National Forest contrary to  
13 existing law. The assessment conducted by the Secretary  
14 under this section shall not supersede, be considered a  
15 supplement or amendment to, or in any way affect the  
16 legal or regulatory authority of the Mount Hood National  
17 Forest Land and Resource Management Plan or the col-  
18 lection of documents entitled “Final Supplemental Envi-  
19 ronmental Impact Statement and Record of Decision for  
20 Amendments to Forest Service and Bureau of Land Man-  
21 agement Planning Documents Within the Range of the  
22 Northern Spotted Owl” and “Standards and Guidelines  
23 for Management of Habitat for Late-Successional and  
24 Old-Growth Forest-Related Species Within the Range of  
25 the Northern Spotted Owl”.

1 (h) PUBLIC PARTICIPATION.—The Secretary shall  
2 provide an opportunity for interested persons to be in-  
3 volved in development of the assessment conducted by the  
4 Secretary under this section.

5 **SEC. 603. SUSTAINABLE BIOMASS UTILIZATION STUDY.**

6 (a) STUDY REQUIRED.—The Secretary of Agriculture  
7 shall conduct a study to assess the amount of long-term  
8 sustainable biomass available in the Mount Hood National  
9 Forest that, consistent with applicable law, could be made  
10 available as a raw material for—

11 (1) the production of electric energy, sensible  
12 heat, transportation fuel, or substitutes for petro-  
13 leum-based products;

14 (2) dimensional lumber, fencing, framing mate-  
15 rial, poles, firewood, furniture, chips, or pulp for  
16 paper; or

17 (3) other commercial purposes.

18 (b) DEFINITION.—In this section, the term “bio-  
19 mass” means small diameter trees and understory vegeta-  
20 tion that is removed from forested land as a by-product  
21 of forest restoration efforts.

22 **SEC. 604. WATERSHED MANAGEMENT MEMORANDA OF UN-**  
23 **DERSTANDING.**

24 (a) COMPLETION OF MEMORANDA OF UNDER-  
25 STANDING.—To the extent that memoranda of under-

1 standing or other legal agreements involving watersheds  
2 of Mount Hood National Forest do not exist between irri-  
3 gation districts or municipalities and the Forest Service,  
4 the Secretary of Agriculture may complete memoranda of  
5 understanding that outline stewardship goals to manage  
6 the watersheds for water quality and water quantity.

7 (b) ELEMENTS OF MEMORANDUM.—A memorandum  
8 of understanding involving a watershed of Mount Hood  
9 National Forest shall encourage adaptability, establish  
10 benchmarks regarding water quality and water quantity,  
11 and require monitoring to determine progress in meeting  
12 such benchmarks. The memorandum of understanding  
13 may restrict public access to areas of the watershed where  
14 appropriate.

15 (c) PUBLIC PROCESS REQUIRED.—

16 (1) COLLABORATION AND CONSULTATION.—  
17 The Secretary of Agriculture shall ensure that the  
18 process by which the Secretary enters into a memo-  
19 randum of understanding with an irrigation district,  
20 local government, or other entity involving a water-  
21 shed of Mount Hood National Forest is based on  
22 collaboration and cooperation between the Forest  
23 Service and local jurisdictions and other interested  
24 persons.



1           (2) PUBLIC MEETING REQUIRED.—The Sec-  
2           retary and the other party or parties to the proposed  
3           memorandum of understanding shall hold at least 1  
4           joint public meeting before completing a final draft  
5           of the memorandum of understanding.

6           (3) PUBLIC COMMENT.—A draft memorandum  
7           of understanding shall also be open to public com-  
8           ment before being finalized.

9   **SEC. 605. TERMINATION OF AUTHORITY.**

10          The authority provided by this title shall terminate  
11          on the date that is 10 years after the date of enactment  
12          of this Act.

13   **TITLE VII—CRYSTAL SPRINGS**  
14       **WATERSHED SPECIAL RE-**  
15       **SOURCES MANAGEMENT UNIT**

16   **SEC. 701. FINDINGS AND PURPOSE.**

17          The purpose of this title is to establish a special re-  
18          sources management unit to ensure protection of the qual-  
19          ity and quantity of the Crystal Springs watershed as a  
20          clean drinking water source for the residents of Hood  
21          River County, Oregon, while also allowing visitors to enjoy  
22          its special scenic, natural, cultural, and wildlife values.

1 **SEC. 702. ESTABLISHMENT OF CRYSTAL SPRINGS WATER-**  
2 **SHED SPECIAL RESOURCES MANAGEMENT**  
3 **UNIT.**

4 (a) ESTABLISHMENT.—Effective as provided by sec-  
5 tion 705, the Secretary of Agriculture shall establish a  
6 special resources management unit in the State consisting  
7 of all National Forest System land that is located within  
8 200 yards from any point on the perimeter of the Crystal  
9 Springs Zone of Contribution, as determined by the Crys-  
10 tal Springs Water District, and other National Forest Sys-  
11 tem land in and around the Inn at Cooper Spur and the  
12 Cooper Spur Ski Area, as depicted on the map entitled  
13 “Crystal Springs Watershed Special Resources Manage-  
14 ment Unit” and dated June 2006 (in this subtitle referred  
15 to as the “official map”).

16 (b) DESIGNATION.—The special resources manage-  
17 ment unit established pursuant to subsection (a) shall be  
18 known as the Crystal Springs Watershed Special Re-  
19 sources Management Unit, in this title referred to as the  
20 “Management Unit”.

21 (c) EXCLUSION OF CERTAIN LAND.—The Manage-  
22 ment Unit does not include any National Forest System  
23 land otherwise covered by subsection (a) that is designated  
24 as wilderness by title I.

25 (d) WITHDRAWAL.—Subject to valid existing rights,  
26 National Forest System land included in the Management

1 Unit are permanently withdrawn from all forms of appro-  
2 priation under the public land laws, including the mining  
3 laws and mineral and geothermal leasing laws.

4 (e) MAPS AND LEGAL DESCRIPTION.—

5 (1) SUBMISSION OF LEGAL DESCRIPTIONS.—As  
6 soon as practicable after the effective date specified  
7 in section 705, the Secretary shall prepare and sub-  
8 mit to Congress a legal description of the Manage-  
9 ment Unit.

10 (2) FORCE OF LAW.—The map referred to in  
11 subsection (a) and the legal descriptions prepared  
12 under paragraph (1) shall have the same force and  
13 effect as if included in this Act, except that the Sec-  
14 retary may correct technical errors in the map and  
15 legal descriptions. The map of the Crystal Springs  
16 Zone of Contribution is incorporated in this Act to  
17 delineate the boundaries of the Management Unit,  
18 and the delineation of these boundaries is not in-  
19 tended to affect the specific uses that may occur on  
20 private land within the boundaries of the Manage-  
21 ment Unit.

22 (3) PUBLIC AVAILABILITY.—The map referred  
23 to in subsection (a) and the legal descriptions pre-  
24 pared under paragraph (1) shall be filed and made

1 available for public inspection in the appropriate of-  
2 fices of the Forest Service.

3 **SEC. 703. ADMINISTRATION OF MANAGEMENT UNIT.**

4 (a) GENERAL APPLICABILITY OF EXISTING LAWS.—  
5 Except as provided in this title, all other laws and regula-  
6 tions affecting National Forest System lands shall con-  
7 tinue to apply to the National Forest System lands in-  
8 cluded in the Management Unit.

9 (b) AUTHORIZED ACTIVITIES.—

10 (1) PROCESS FOR ALLOWING ACTIVITIES.—

11 Only activities described in this subsection may  
12 occur in the Management Unit, and the Secretary of  
13 Agriculture may permit an activity described in this  
14 subsection to occur in the Management Unit only  
15 after the Secretary—

16 (A) obtains the review and opinions of the  
17 Crystal Springs Water District regarding the  
18 effect of the activity on the purposes of the  
19 Management Unit;

20 (B) complies with all applicable Federal  
21 law regarding development and implementation  
22 of the activity; and

23 (C) when appropriate, provides to the gen-  
24 eral public advance notice of the activity, an op-

1           portunity to comment on the activity, and ap-  
2           peal rights regarding the activity.

3           (2) RECREATION.—The Secretary may—

4                 (A) continue to maintain recreational op-  
5                 portunities and trails, in existence in the Man-  
6                 agement Unit as of the effective date specified  
7                 in section 705, within their existing and historic  
8                 footprints or at an alternative location; and

9                 (B) develop new footpaths or cross-county  
10                skiing trails in the Management Unit.

11           (3) LEASE OF CERTAIN IMPROVEMENTS.—The  
12           Secretary may lease improvements and facilities, in  
13           existence in the Management Unit as of the effective  
14           date specified in section 705, within their existing  
15           and designated footprints to 1 or more conces-  
16           sionaires.

17           (4) ROAD MAINTENANCE.—Subject to sub-  
18           section (d), the Secretary may maintain National  
19           Forest System roads, in existence in the Manage-  
20           ment Unit as of the effective date specified in sec-  
21           tion 705 or as directed by the management plan re-  
22           quired by subsection (d). Maintenance may include  
23           the installation of culverts and drainage improve-  
24           ments and other similar activities.

1           (5) FUEL REDUCTION IN PROXIMITY TO IM-  
2           PROVEMENTS AND PRIMARY PUBLIC ROADS.—To  
3           protect the water quality, water quantity, scenic, cul-  
4           tural, historic, natural, and wildlife values of the  
5           Management Unit, the Secretary may permit fuel re-  
6           duction on National Forest System land in the Man-  
7           agement Unit—

8                   (A) extending up to 400 feet from struc-  
9                   tures on National Forest System land or struc-  
10                  tures on adjacent private land; and

11                  (B) extending up to 400 feet from the Coo-  
12                  per Spur Road, the Cloud Cap Road, and the  
13                  Cooper Spur ski area loop road.

14           (6) OTHER FUEL REDUCTION AND FOREST  
15           HEALTH ACTIVITIES.—The Secretary may conduct  
16           fuel reduction and forest health management activi-  
17           ties in the Management Unit, with priority given to  
18           activities that restore previously harvested stands,  
19           including the removal of logging slash, smaller di-  
20           ameter material, and ladder fuels. The purpose of  
21           any fire risk reduction or forest health management  
22           activity conducted in the Management Unit shall be  
23           the maintenance and restoration of fire-resilient for-  
24           est structures containing late successional forest  
25           structure characterized by large trees and multi-sto-

1 ried canopies (where ecologically appropriate) and  
2 the protection of the water quality, water quantity,  
3 scenic, cultural, historic, natural, and wildlife values  
4 of the Management Unit.

5 (c) SPECIFICALLY PROHIBITED ACTIVITIES.—The  
6 following activities may not occur on National Forest Sys-  
7 tem land in the Management Unit, whether separately or,  
8 except as provided in paragraph (2), as part of an activity  
9 authorized by subsection (b):

10 (1) New road construction or renovation of ex-  
11 isting non-System roads.

12 (2) Projects undertaken for the purpose of har-  
13 vesting commercial timber. The harvest of merchant-  
14 able products that are by-products of activities con-  
15 ducted pursuant to subsection (b)(6) and carried out  
16 pursuant to a stewardship contract are not prohib-  
17 ited by this subsection.

18 (3) Commercial livestock grazing.

19 (4) The placement or maintenance of fuel stor-  
20 age tanks.

21 (5) The application of any toxic chemicals, in-  
22 cluding pesticides, rodenticides, herbicides, or  
23 retardants, for any purpose, except with the consent  
24 of the Crystal Springs Water District.

25 (d) MANAGEMENT PLAN.—

1           (1) PLAN REQUIRED.—Within 9 months after  
2           the effective date specified in section 605, the Sec-  
3           retary of Agriculture shall adopt a management plan  
4           for the Management Unit that, while providing for  
5           the limited activities specifically authorized by sub-  
6           section (b), protects the watershed from illegal  
7           dumping, human waste, fires, vandalism, and other  
8           risks to water quality.

9           (2) CONSULTATION AND PUBLIC PARTICIPA-  
10          TION.—The Secretary shall prepare the management  
11          plan in consultation with the Crystal Springs Water  
12          District, the Cooper Spur Wild and Free Coalition,  
13          and Hood River County and provide for public par-  
14          ticipation as described in subsection (b)(1)(C).

15          (e) FOREST ROAD CLOSURES.—As part of the man-  
16          agement plan required by subsection (d), the Secretary of  
17          Agriculture may provide for the closure or gating to the  
18          general public of any Forest Service road within the Man-  
19          agement Unit, except for the road commonly known as  
20          Cloud Cap Road.

21          (f) PRIVATE LAND.—Nothing in this section affects  
22          the use of, or access to, any private property within the  
23          Crystal Springs Zone of Contribution by the owners of the  
24          private property and their guests. The Secretary is encour-  
25          aged to work with interested private landowners who have



1 voluntarily agreed to cooperate with the Secretary to fur-  
2 ther the purposes of this title.

3 (g) RELATIONSHIP WITH WATER DISTRICT.—Except  
4 as provided in this section, the Crystal Springs Water Dis-  
5 trict has no authorities over management or use of Na-  
6 tional Forest System land included in the Management  
7 Unit.

8 **SEC. 704. ACQUISITION OF LANDS.**

9 (a) ACQUISITION AUTHORITY.—The Secretary of Ag-  
10 riculture may acquire from willing landowners any lands  
11 located in the Crystal Springs Zone of Contribution within  
12 the boundaries of Mount Hood National Forest. Lands so  
13 acquired shall automatically be added to the Management  
14 Unit.

15 (b) PROHIBITION ON SUBSEQUENT CONVEYANCE.—  
16 The Secretary may not sell, trade, or otherwise transfer  
17 ownership of any land within the Management Unit, in-  
18 cluding any of the land acquired under subsection (a) or  
19 received by the Secretary as part of the Cooper Spur-Gov-  
20 ernment Camp land exchange authorized by subtitle A of  
21 title V and included within the Management Unit, to any  
22 person.

23 **SEC. 705. EFFECTIVE DATE.**

24 The Secretary of Agriculture shall establish the Man-  
25 agement Unit as soon as practicable after the final closing

1 of the Cooper Spur-Government Camp land exchange au-  
 2 thorized by subtitle A of title V, but in no case later than  
 3 30 days after the date of the final closing of such land  
 4 exchange. The Management Unit may not be established  
 5 before final closing of the land exchange.

## 6 **TITLE VIII—LOCAL AND TRIBAL** 7 **RELATIONSHIPS**

### 8 **SEC. 801. FINDINGS AND PURPOSE.**

9 The purpose of this title is to recognize and support  
 10 the ability of Native Americans to continue to gather first  
 11 foods in the Mount Hood National Forest using tradi-  
 12 tional methods and the central role of the State and local  
 13 governments in management of issues dealing with natural  
 14 and developed environments in the vicinity of the national  
 15 forest.

### 16 **SEC. 802. FIRST FOODS GATHERING AREAS.**

17 (a) PRIORITY USE AREAS.—The Secretary of Agri-  
 18 culture shall identify, establish, develop, and manage pri-  
 19 ority-use areas in Mount Hood National Forest for the  
 20 gathering of first foods by members of Indian tribes with  
 21 treaty-reserved gathering rights on lands encompassed by  
 22 the national forest. The priority-use areas shall be identi-  
 23 fied, established, developed, and managed in a manner  
 24 consistent with the memorandum of understanding en-  
 25 tered into between the Department of Agriculture, the Bu-

1 reau of Land Management, the Bureau of Indian Affairs,  
2 and the Confederated Tribes of the Warm Springs Res-  
3 ervation of Oregon (in this section referred to as the  
4 “Warm Springs Tribe”) and dated April 23, 2003, and  
5 such further agreements as are necessary between the Sec-  
6 retary of Agriculture and the Warm Springs Tribe to  
7 carry out the purposes of this section.

8 (b) PRIORITY USE.—Members of Indian tribes with  
9 treaty-reserved gathering rights on lands encompassed by  
10 Mount Hood National Forest shall, in cooperation with  
11 the Mount Hood National Forest, gather first foods in the  
12 priority-use areas established pursuant to subsection (a).

13 (c) APPLICABLE LAW.—In considering and selecting  
14 National Forest System land for inclusion in a priority-  
15 use area under subsection (a), the Secretary of Agriculture  
16 shall comply with the land and resource management plan  
17 for Mount Hood National Forest and applicable laws.

18 (d) DEFINITION.—In this section, the term “first  
19 foods” means roots, berries, and plants on National For-  
20 est System land in Mount Hood National Forest that have  
21 been gathered for traditional and cultural purposes by  
22 members of Indian tribes with treaty-reserved gathering  
23 rights on lands encompassed by Mount Hood National  
24 Forest.

1 **SEC. 803. FOREST SERVICE COORDINATION WITH STATE**  
2 **AND LOCAL GOVERNMENTS.**

3 Congress encourages the Secretary of Agriculture to  
4 cooperate with the State, local communities, counties, and  
5 Indian tribes in the vicinity of Mount Hood National For-  
6 est, and the heads of other Federal agencies to identify  
7 common ground, coordinate planning efforts around the  
8 national forest, and make the Federal Government a bet-  
9 ter partner in building cooperative and lasting solutions  
10 for management of Mount Hood National Forest and non-  
11 Federal land in the vicinity of the national forest.

12 **SEC. 804. SAVINGS PROVISIONS REGARDING RELATIONS**  
13 **WITH INDIAN TRIBES.**

14 (a) TREATY RIGHTS.—Nothing in this Act is in-  
15 tended to alter, modify, enlarge, diminish, or extinguish  
16 the treaty rights of any Indian tribe, including the off-  
17 reservation reserved rights established by the Treaty of  
18 June 25, 1855, with the Tribes and Bands of Middle Or-  
19 egon (12 Stat. 963). Section 702 is consistent with and  
20 intended to implement the gathering rights reserved by  
21 such treaty.

22 (b) TRIBAL LANDS.—Nothing in this Act is intended  
23 to affect lands held in trust by the Secretary of the Inte-  
24 rior for Indian tribes or individual members of Indian  
25 tribes or other lands acquired by the Army Corps of Engi-  
26 neers and administered by the Secretary of the Interior

1 for the benefit of Indian tribes and individual members  
2 of Indian tribes.

3 (c) HUNTING AND FISHING.—Nothing in this Act is  
4 intended to affect the laws, rules, and regulations per-  
5 taining to hunting and fishing under existing State and  
6 Federal laws and Indian treaties.

7 **SEC. 805. IMPROVED NATURAL DISASTER PREPAREDNESS.**

8 (a) IMPOSITION OF STANDARDS.—New development  
9 occurring on land conveyed by the Secretary of Agriculture  
10 under title V or undertaken or otherwise permitted by the  
11 Secretary of Agriculture on National Forest System land  
12 in Mount Hood National Forest after the date of the en-  
13 actment of this Act shall be constructed or altered in com-  
14 pliance with—

15 (1) 1 of—

16 (A) the nationally recognized model build-  
17 ing codes; and

18 (B) nationally recognized wildland-urban  
19 interface codes and standards; or

20 (2) 1 of the other applicable nationally recog-  
21 nized codes and standards relating to—

22 (A) fire protection infrastructure in the  
23 wildland urban interface;

24 (B) land development in wildland areas; or

25 (C) wild fire hazard mitigation.

1 (b) INCLUSION OF STANDARDS IN LAND CONVEY-  
 2 ANCES.—In the case of each of the land conveyances de-  
 3 scribed in title V, the Secretary shall impose the require-  
 4 ments of subsection (a) as a condition on the conveyance  
 5 of the Federal land under the conveyance.

6 (c) EFFECT ON STATE AND LOCAL LAW.—To the  
 7 maximum extent feasible, the codes imposed pursuant to  
 8 subsection (a) shall be consistent with the nationally rec-  
 9 ognized codes and development standards adopted or ref-  
 10 erenced by the State or political subdivisions of the State.  
 11 This section shall not be construed to limit the power of  
 12 the State or a political subdivision of the State to imple-  
 13 ment or enforce any law, rule, regulation, or standard con-  
 14 cerning fire prevention and control.

15 (d) ENFORCEMENT.—The codes imposed pursuant to  
 16 subsection (a) may be enforced by the same entities other-  
 17 wise enforcing codes, ordinances, and standards relating  
 18 to new development occurring on land conveyed by the  
 19 Secretary of Agriculture under title V.

## 20 **TITLE IX—RECREATION**

### 21 **SEC. 901. FINDINGS AND PURPOSE.**

22 The purpose of this title is to recognize and support  
 23 recreation as a dynamic social and economic component  
 24 of the legacy and future of the Mount Hood National For-  
 25 est.

1 **SEC. 902. RETENTION OF MOUNT HOOD NATIONAL FOREST**  
2 **LAND USE FEES FROM SPECIAL USE AUTHOR-**  
3 **IZATIONS.**

4 (a) SPECIAL ACCOUNT.—The Secretary of the Treas-  
5 ury shall establish a special account in the Treasury for  
6 Mount Hood National Forest.

7 (b) DEPOSITS.—Except as provided in section 7 of  
8 the Act of April 24, 1950 (commonly known as the Grang-  
9 er-Thye Act; 16 U.S.C. 580d), the National Forest Orga-  
10 nizational Camp Fee Improvement Act of 2003 (title V  
11 of division F of Public Law 108–107; 16 U.S.C. 6231 et  
12 seq.), Public Law 106–206 (commonly known as the Com-  
13 mercial Filming Act; 16 U.S.C. 460l–d), and the Federal  
14 Lands Recreation Enhancement Act (title VIII of division  
15 J of Public Law 108–477; 16 U.S.C. 6801 et seq.), all  
16 land use fees received after the date which is 6 months  
17 after the date of enactment of this Act from special use  
18 authorizations, such as recreation residences, resorts, win-  
19 ter recreation resorts, communication uses, and linear  
20 rights-of-way, and all other special use types issued with  
21 regard to Mount Hood National Forest shall be deposited  
22 in the special account established under subsection (a).

23 (c) AVAILABILITY.—Subject to subsection (d),  
24 amounts in the special account established under sub-  
25 section (a) shall remain available, without further appro-  
26 priation and until expended, for expenditure as provided

1 in section 903. Upon request of the Secretary of Agri-  
2 culture, the Secretary of the Treasury shall transfer to  
3 the Secretary of Agriculture from the special account such  
4 funds as the Secretary of Agriculture may request. The  
5 Secretary shall accept and use the funds in accordance  
6 with section 903.

7 (d) **TERMINATION OF SPECIAL ACCOUNT.**—The spe-  
8 cial account required by subsection (a) shall terminate at  
9 the end of the 10-year period beginning on the date of  
10 enactment of this Act. Any amounts remaining in the spe-  
11 cial account at the end of such period shall be transferred  
12 to the general fund of the Treasury.

13 **SEC. 903. USE OF FUNDS IN SPECIAL ACCOUNT TO SUP-**  
14 **PORT RECREATION.**

15 (a) **AUTHORIZED USES.**—The Secretary of Agri-  
16 culture shall use funds received from the special account  
17 under section 902(c) for the following purposes related to  
18 Mount Hood National Forest:

19 (1) Installation, repair, maintenance, and facil-  
20 ity enhancement related directly to visitor enjoy-  
21 ment, visitor access, and health and safety, such  
22 as—

23 (A) the improvement and maintenance of  
24 trails, including trails used for hiking, biking,



1 snowmobiling, horseback riding, cross-country  
2 skiing, and off-highway vehicles;

3 (B) water system improvements; and

4 (C) personal sanitation facilities improve-  
5 ments.

6 (2) Interpretive programs, visitor information,  
7 visitor services, visitor needs assessments, mapping,  
8 signage, Leave-No-Trace materials, and wilderness  
9 rangers.

10 (3) Habitat restoration directly related to recre-  
11 ation.

12 (4) Cooperative environmental restoration  
13 projects with non-Federal partnership groups and  
14 associations, including groups and associations that  
15 work with youth.

16 (5) Law enforcement and rescue and recovery  
17 efforts related to public use and recreation, such as  
18 law enforcement at recreation events, search and  
19 rescue operations, illegal recreation activities inves-  
20 tigations, and enforcement.

21 (6) Improving administration of special use au-  
22 thorizations.

23 (7) Preparation of documents required under  
24 the National Environmental Policy Act of 1969 (42

1 U.S.C. 4321 et seq.) in connection with the improve-  
2 ment or development of recreational opportunities.

3 (8) Other projects or partnerships rec-  
4 ommended by the Mount Hood National Forest  
5 Recreation Working Group established by section  
6 905.

7 (b) ALLOCATION REQUIREMENTS.—Of the total  
8 funds received by the Secretary of Agriculture from the  
9 special account under section 902(c) for a fiscal year, the  
10 Secretary shall allocate the funds as follows:

11 (1) 95 percent of the funds to Mount Hood Na-  
12 tional Forest.

13 (2) 5 percent of the funds to the Regional Of-  
14 fice for the Pacific Northwest Region of the Forest  
15 Service to develop needed policy and training to sup-  
16 port programs in wilderness areas, special uses,  
17 trails, developed and dispersed recreation, and inter-  
18 pretation related to Mount Hood National Forest.

19 **SEC. 904. ANNUAL REPORTING REQUIREMENT.**

20 The Secretary of Agriculture shall submit to Con-  
21 gress an annual report specifying—

22 (1) the total funds received by the Secretary  
23 from the special account under section 902(c) for  
24 the preceding fiscal year;

- 1           (2) how the funds were allocated and expended;  
2           and  
3           (3) the results from such expenditures.

4 **SEC. 905. MOUNT HOOD NATIONAL FOREST RECREATIONAL**  
5 **WORKING GROUP.**

6           (a) ESTABLISHMENT AND PURPOSE.—The Secretary  
7 of Agriculture shall establish the Mount Hood National  
8 Forest Recreational Working Group for the purpose of  
9 providing advice and recommendations to the Forest Serv-  
10 ice on planning and implementing recreation enhance-  
11 ments in Mount Hood National Forest, including advice  
12 and recommendations regarding how the funds in the spe-  
13 cial account established under section 902 should be re-  
14 quested and expended.

15           (b) DUTIES.—The Working Group shall—

16           (1) review projects proposed by the Secretary  
17 for Mount Hood National Forest under section  
18 903(a);

19           (2) propose projects under section 903(a) to the  
20 Secretary;

21           (3) recommend the amount of funds from the  
22 special account established under section 902 to be  
23 used to fund projects under section 903; and

24           (4) provide opportunities for citizens, organiza-  
25 tions, Indian tribes, the Forest Service, and other

1 interested parties to participate openly and meaning-  
2 fully, beginning at the early stages of the develop-  
3 ment of projects under section 903(a).

4 (c) APPOINTMENT.—

5 (1) APPOINTMENT AND TERM.—The Regional  
6 Forester, acting on behalf of the Secretary of Agri-  
7 culture, shall appoint the members of the Working  
8 Group for a term of 3 years beginning on the date  
9 of appointment. A member may be reappointed to  
10 subsequent 3-year terms.

11 (2) INITIAL APPOINTMENT.—The Regional For-  
12 ester shall make initial appointments to the Working  
13 Group not later than 180 days after the date of en-  
14 actment of this Act.

15 (3) VACANCIES.—The Regional Forester shall  
16 make appointments to fill vacancies on the Working  
17 Group as soon as practicable after the vacancy has  
18 occurred.

19 (4) COMPENSATION.—Members of the Working  
20 Group shall not receive any compensation for their  
21 service on the Working Group.

22 (5) NOMINATIONS.—The State, county, and  
23 Tribal governments for each county directly adjacent  
24 to or containing any portion of Mount Hood Na-  
25 tional Forest may submit a nomination to the Re-

1 regional Forester for each activity or interest group  
2 category described in subsection (d).

3 (6) BROAD AND BALANCED REPRESENTA-  
4 TION.—In appointing the members of the Working  
5 Group, the Regional Forester shall provide for a bal-  
6 anced and broad representation from the recreation  
7 community.

8 (d) COMPOSITION OF WORKING GROUP.—The Work-  
9 ing Group shall be composed of 15 members, selected so  
10 that the following activities and interest groups are rep-  
11 resented:

12 (1) Summer non-mechanized recreation, such as  
13 hiking.

14 (2) Winter non-motorized recreation, such as  
15 snowshoeing and backcountry skiing.

16 (3) Mountain biking.

17 (4) Hunting and fishing.

18 (5) Summer motorized recreation, such as off-  
19 highway vehicle use.

20 (6) Local environmental groups.

21 (7) Winter motorized recreation, such as  
22 snowmobiling.

23 (8) Permitted ski areas.

24 (9) Forest products industry.

25 (10) Affected Indian tribes.

1           (11) Local holder of a recreation residence per-  
2           mit.

3           (12) Local government interests, such as a  
4           county commissioner or city mayor in an elected po-  
5           sition representing a county or city directly adjacent  
6           or containing any portion of Mount Hood National  
7           Forest.

8           (13) A resident of Government Camp.

9           (14) The State.

10          (15) Operators of campground facilities open to  
11          the general public.

12          (e) CHAIRPERSON.—The chairperson of the Working  
13          Group shall be selected by a majority of the Working  
14          Group.

15          (f) OTHER WORKING GROUP AUTHORITIES AND RE-  
16          QUIREMENTS.—

17               (1) STAFF ASSISTANCE.—The Secretary of Ag-  
18               riculture shall provide staff assistance to the Work-  
19               ing Group from Federal employees under the juris-  
20               diction of the Secretary.

21               (2) MEETINGS.—All meetings of the Working  
22               Group shall be announced at least 1 week in advance  
23               in a local newspaper of record and shall be open to  
24               the public.

1 (3) RECORDS.—The Working Group shall main-  
2 tain records of the meetings of the Working Group  
3 and make the records available for public inspection.

4 (g) LIMITATION ON ADMINISTRATIVE ASSISTANCE.—  
5 Not more than 5 percent of the funds allocated under sec-  
6 tion 903(b) to Mount Hood National Forest for a fiscal  
7 year may be used to provide administrative assistance to  
8 the Working Group during that fiscal year.

9 (h) FEDERAL ADVISORY COMMITTEE ACT.—The  
10 Federal Advisory Committee Act (5 U.S.C. App.) shall not  
11 apply to the Working Group.

12 (i) TERMINATION OF WORKING GROUP.—The Work-  
13 ing Group shall terminate at the end of the 10-year period  
14 beginning on the date of enactment of this Act.

15 **SEC. 906. CONSIDERATION OF CONVERSION OF FOREST**  
16 **ROADS TO RECREATIONAL USES.**

17 (a) EVALUATION OF CURRENTLY CLOSED ROADS.—

18 (1) CONSIDERATION FOR RECREATIONAL  
19 USE.—The Secretary of Agriculture may make a de-  
20 termination regarding whether the Forest Service  
21 roads in Mount Hood National Forest that were se-  
22 lected before the date of enactment of this Act for  
23 closure and decommissioning, but have not yet been  
24 decommissioned, should be converted to recreational  
25 uses to enhance recreational opportunities in the na-

1 tional forest, such as conversion to single-track trails  
2 for mountain bikes and trails for snowmobiling, off-  
3 road vehicle use, horseback riding, hiking, cross-  
4 country skiing, and other recreational uses.

5 (2) CONSIDERATION OF ENVIRONMENTAL AND  
6 ECONOMIC IMPACTS.—In evaluating the feasibility  
7 and suitability of converting Forest Service roads  
8 under this subsection to recreational uses, and the  
9 types of recreational uses to be authorized, the Sec-  
10 retary shall take into account the environmental and  
11 economic impacts of implementing the conversion  
12 and of the resulting recreational uses.

13 (3) PUBLIC PROCESS.—The consideration and  
14 selection of Forest Service roads under this sub-  
15 section for conversion to recreational uses, and the  
16 types of recreational uses to be authorized, shall be  
17 a public process, including consultation by the Sec-  
18 retary of Agriculture with the Mount Hood National  
19 Forest Recreational Working Group.

20 (b) FUTURE CLOSURE CONSIDERATIONS.—Whenever  
21 the Secretary of Agriculture considers a Forest Service  
22 road in Mount Hood National Forest for possible closure  
23 and decommissioning after the date of enactment of this  
24 Act, the Secretary shall include, as an alternative to de-  
25 commissioning the road, consideration of converting the



1 road to recreational uses to enhance recreational opportu-  
 2 nities in the Mount Hood National Forest.

3 **SEC. 907. IMPROVED TRAIL ACCESS FOR PERSONS WITH**  
 4 **DISABILITIES.**

5 (a) CONSTRUCTION OF TRAIL.—The Secretary of Ag-  
 6 riculture may enter into a contract with a partner organi-  
 7 zation or other person to design and construct a trail at  
 8 a location selected by the Secretary in Mount Hood Na-  
 9 tional Forest suitable for use by persons with disabilities.

10 (b) PUBLIC PROCESS.—The selection of the trail lo-  
 11 cation under subsection (a) and the preparation of the de-  
 12 sign of the trail shall be a public process, including con-  
 13 sultation by the Secretary of Agriculture with the Mount  
 14 Hood National Forest Recreational Working Group.

15 (c) FUNDING.—The Secretary of Agriculture may use  
 16 funds in the special account established under section 902  
 17 to carry out this section.

18 **TITLE X—AUTHORIZATION OF**  
 19 **APPROPRIATIONS**

20 **SEC. 1001. AUTHORIZATION OF APPROPRIATIONS.**

21 There are authorized to be appropriated such sums  
 22 as are necessary to carry out this Act.

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